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Security Council

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Letter dated 14 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 14 August 2002 (S/2002/952).

The Counter-Terrorism Committee has received the attached supplementary report from Belize, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33983 (E) 140503

Annex

Letter dated 7 April 2003 from the Permanent Representative of Belize to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I refer to our letter of 24 April 2002 wherein you sought further information regarding Belize's first report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001). Belize's supplementary report, responding to the questions set forth in the aforementioned letter, is attached hereto (see enclosure).

I should be grateful if the text of the present letter and its enclosure could be circulated as a document of the Security Council.

(*Signed*) Stuart W. **Leslie**
Ambassador
Permanent Representative of Belize

Enclosure

Information pertaining to Belize's report to the Counter-Terrorism Committee pursuant to UN Security Council resolution 1373

4th April 2003

Sub-paragraph 1 (a)

Could Belize please report on progress with the enactment of the UN Resolutions and Conventions (Enforcement) Act and of measures proposed to strengthen the Money Laundering (Prevention) Act in order to freeze the assets of terrorist?

The UN Resolutions and Conventions (Enforcement) Act 1 of 2002 was incorporated into the Laws of Belize on 26th February, 2002.

The Money Laundering (Prevention) (Amendment) Act 5 of 2002 was incorporated into the Laws of Belize on 26th February 2002. The Act specifies terrorism as one of the offences. It establishes improved provisions to combat terrorism and provides for prompt freezing of funds and other financial assets of terrorists and money launderers. The Act provides for a comprehensive definition of terrorism based on the UK legislation. There is specific provision, modeled after the UK's, to freeze the funds of persons connected with terrorism.

Sub-paragraph 1 (b)
This sub-paragraph requires the criminalisation of the provision or collection of funds, etc., which support terrorist activities. Could Belize please indicate whether legislation exist which allows the criminalisation of these acts?

Section 3A of the Money Laundering (Prevention) (Amendment) Act provides for the criminalisation of acts of terrorism and makes any person engaging in such acts liable to conviction.

Sub-paragraph 1 (c)
Does the freezing of "funds" by notice of Supervisory Authority, as referred to in sectio 11A of the Money Laundering Law, include the freezing of financial assets and economic resources?

The Money Laundering (Prevention) (Amendment) Act under Section 23 authorizes the Supervisory Authority to take such action as may be appropriate including the freezing of funds and other financial assets or economic resources of any person to comply with or give effect to a resolution of the Security Council of the UN adopted under Chapter VII of the UN Charter.

Sub-paragraph 1 (d)
This sub paragraph requests countries to prohibit their nationals and any other persons or entities within their territories from making funds or other financial assets or economic resources or financial or other related services available to support terrorism. Please explain whether the proposed United Nations Resolutions and Conventions (Enforcement) Act incorporates these requirements?

The Money Laundering (Prevention) (Amendment) Act prohibits persons from facilitating, participating, financing, etc. terrorist activities.

The report states that financial institutions are being encouraged to implement new measure in compliance with international standards to combat terrorism. Please describe the measures that institutions in Belize have taken?

Financial institutions have been instructed to regularly report any suspicious transactions and to closely monitor any irregularities. On-site bank inspections are also provided where required. Financial institutions or persons failing to comply with the direction or instruction of the Supervisory Authority may be liable to summary conviction or imprisonment.

Are natural or legal persons other than banks (e.g. attorney, notaries and other intermediaries) required to report suspicious transactions to the public authorities, and if so, what penalties apply if such persons omit to report either wilifully or by negligence?

Legal persons and service providers are required under the Money Laundering (Prevention) Act to report suspicious transactions.

Sub-paragraph 2 (a)
Please indicate whether any existing legislation prohibits recruitment to terrorist groups. Please outline the relevant provisions of any such laws.

Belize does not have specific legislation prohibiting the recruitment to terrorist groups. Nevertheless, the Criminal Code of Belize, Chapter 101 of the Laws of Belize makes provision for the legal reprimand of persons found guilty of seditious libel, seditious assembly, unlawful military training, and causing public terror.

Sub-paragraph 2 (b)
Please describe Belize's mechanism for giving early warning to another country if Belize has information on a proposed terrorist act in that country?

In addition to the functions of the INTERPOL desk and other functions of Belize's Joint Intelligence Coordinating Center (JICC) of the Police Department as stated in the previous report, established diplomatic channels of communication are also utilized as an early warning mechanism.

Sub-paragraph 2 (e)
Are the relevant provisions of the Penal Code of Belize applicable in all the following circumstances:

Acts committed outside Belize by a person who is a citizen of, or habitually resident in Belize (whether that person is currently present in Belize or not);

Acts committed outside Belize by a foreign national who is currently in Belize?

The Money Laundering (Prevention) (Amendment) Act makes provision for persons outside Belize and for actions committed outside Belize which relate to acts of terrorism.

Please outline the relevant provisions of the Suppression of Terrorism Act referred to in the reply to this sub- paragraph.

There is no Suppression of Terrorism Act. Nevertheless, the legislations mentioned in this report address serious criminal offenses related to and specific to terrorism.

Sub-paragraph 2 (f)
Does the Extradition Act allow extradition for Belize on request of another country in the absence of a bilateral treaty with that country?

The Extradition Act does not allow for extradition from Belize on the request of another country in the absence of a treaty.

Sub-paragraph 2 (g)
Could Belize please provide the CTC with information on the mechanism of inter-agency cooperation between the authorities responsible for narcotics, financial tracking and security with particular regard to the border controls preventing the movement of terrorists?

The Central Bank of Belize is tasked with the responsibility of financial tracking. This entity is also responsible for liaising with the National Security Council.

Regretfully, the lack of requisite resources necessitate that the Immigration and Nationality Department of Belize still processes documents manually. Belize could benefit from improvements to facilitate the use of automated systems supported by a central data base.

The attached organogram depicts the Government of Belize's inter- agency administrative machinery responsible for cooperation and compliance to UN Resolution 1373.

Sub-paragraph 3 (a) and (b)
Please describe the mechanism Belize for exchanging operational information and cooperation with other countries on administrative and judicial matters.

Nationally, Belize maintains good collaboration and liaison mechanisms with relevant Ministries and Departments of Government for the cooperation on administrative and judicial matters and for the exchange of operational information.

Internationally, Belize cooperates regularly with other countries and entities in the exchange and provision of information on such matters. Further, Belize signed a Mutual Legal Assistance Treaty (MLAT) with the United States of America in September 2000.

Sub-paragraph 3 (c)
Please provide a list of bilateral agreements entered into by Belize, other than that entered into with the US.

Belize does not currently have any other bilateral agreement other than the MLAT with the United States of America.

Sub-paragraph 3 (e)
Please outline how Belize has implemented in its domestic legislation the relevant international conventions and protocols relating to terrorism which it has ratified.

The United Nations Resolutions and Conventions (Enforcement) Act enables the Minister of Foreign Affairs to make an Order containing such provisions as may be necessary to implement UN Security Council resolutions which are passed in accordance with Chapter VII of the UN Charter. Every such Order shall be submitted to the National Assembly of Belize.

When does Belize intend to ratify the remaining three conventions?

Belize is currently considering ratification to the remaining conventions. Pending a positive decision, the Government of Belize will commence its ratification process in accordance with constitutional requirements.

Sub-paragraph 3 (g)
Can extradition from Belize of persons connected with terrorist act be denied on grounds of political motivation?

Extradition from Belize in connection with terrorist acts can not be denied on grounds of political motivation.

Paragraph 4
Has Belize addressed any of the concerns expressed in paragraph 4 of the resolution?

With respect to paragraph 4, Belize interacts with INTERPOL and cooperates fully with other countries on both the regional and international level to coordinate and strengthen global response to this serious challenge and threat to international security.

Belize has recently enacted the Financial Intelligence Unit Act 35 of 2002 in a continued effort to fight organised crime. The Unit is headed by a Director and is charged with the responsibility for the investigation and prosecution of money laundering and other financial crimes.

Other matters

The Government of Belize places high priority on the issue of combating terrorism. Unfortunately, the shortage of human and financial resources required for the proper implementation of various resolutions presents a continuous barrier to progress.

Attachment

Government of Belize's Administrative machinery responsible for compliance with resolution 1373 (2001)